

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

In Re:

Express Integrated Technologies, LLC,  
Debtor.

Case No. 16-12042-M  
Chapter 7

**LIMITED OBJECTION TO MOTION FOR ORDER AUTHORIZING AND  
APPROVING SALE OF PERSONAL PROPERTY FREE AND CLEAR OF ALL LIENS,  
CLAIMS, ENCUMBRANCES AND INTERESTS AND WAIVER OF 14-DAY STAY**

Innova Global, Inc. (“Innova”) hereby files its limited objection to the Motion for Order Authorizing and Approving Sale of Personal Property Free and Clear of All Liens, Claims, Encumbrances and Interests and Waiver of 14-Day Stay (“Motion”) [Doc. No. 91], filed by the Chapter 7 Trustee (“Trustee”). In support of this Limited Objection, Innova further states:

**BACKGROUND**

1. Express Integrated Technologies, LLC (“EIT”) filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code on November 9, 2016.
2. A companion case, Express Metal Fabricators, LLC (“EMF”) filed a voluntary petition for relief under the United States Code on November 9, 2016.<sup>1</sup>
3. This Court has jurisdiction over the Motion and this Limited Objection pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue of this proceeding is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

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<sup>1</sup> On or about the same date, several associated entities also filed voluntary petitions for relief under Chapter 7 of Title 11 of the United States Code. Those entities are not subject to the Motion or this Limited Objection.

4. In the Motion, the Trustee requests an order from this Court authorizing and approving the sale of personal property that is currently separate property of the EMF and EIT bankruptcy estates (respectively, the “EMF Property” and the “EIT Property”).

5. Pursuant to the Motion, SISU Energy & Environmental, LLC (“SISU”) has offered \$1,220,000 to purchase the EMF Property and the EIT Property.

6. Pursuant to the Motion, SISU has agreed to use its best efforts to collect approximately \$1,200,000 in accounts receivable that are part of the EMF bankruptcy estate and are generated from two fabricating plants located in Utah with the Trustee receiving the first \$500,000 of the accounts receivable that are collected. Pursuant to the Motion, after the Trustee receives the first \$500,000 of accounts receivable, the remaining receivables will be split with the Trustee receiving 70 percent of the amount collected and SISU receiving 30 percent of the amount collected.

7. The Motion contemplates that other entities may submit bids for the EMF Property and the EIT Property the Trustee proposes to sell to SISU.

#### **LIMITED OBJECTION**

8. Innova is a nearly 40-year old company specializing in noise and air emissions control and waste heat recovery systems for power generation, oil and gas, petrochemical and other industrial applications.

9. Innova has completed more than 3,500 around the world, including those in Canada, the United States, Australia, the United Kingdom, Italy, the Middle East, Peru, Spain, Trinidad and the Caymen Islands.

10. Innova is financially secure and has the resources to submit a successful bid for the EMF Property and the EIT Property. Accordingly, Innova plans to submit a competing bid

on or before the bid deadline established by the Court in a greater amount than the amount currently offered by SISU for the purchase of the EMF Property and the EIT Property.

11. Innova's bid will comply with the requirements set forth in the Motion, including the terms and conditions set forth in the Purchase and Sale Agreement attached to the Motion as Exhibit "C", with the exception of those terms and conditions that relate or concern SISU solely. Innova has reason to believe it will be the prevailing bidder for the EMF Property and the EIT Property at an auction conducted by the Court

12. For the avoidance of confusion, Innova does not object to the sale of the EMF Property or the EIT Property. Nor does Innova object to the terms or procedures for such sale as set forth in the Motion. Innova objects to the entry of an order authorizing and approving the sale of the EMF Property and the EIT Property to SISU before an auction is conducted and a prevailing bidder is determined.

WHEREFORE, Innova respectfully requests that the Court:

- a. Deny the Motion to the extent it seeks entry of an order authorizing and approving sale of the EMF Property and the EIT Property before an auction is conducted and a prevailing bidder is determined;
- b. Upon the filing of Innova's competing bid, preside over an auction of the EMF Property and the EIT Property on the date previously set for to approve the sale of the EMF Property and the EIT Property; and
- c. Grant Innova such further relief as the Court deems equitable and just.

Respectfully submitted,

/s/ Michael R. Pacewicz

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ATTORNEYS FOR INNOVA GLOBAL, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 19<sup>th</sup> day of January, 2017, I caused a copy of the Limited Objection to Motion for Order Authorizing and Approving Sale of Personal Property Free and Clear of All Liens, Claims, Encumbrances and Interests and Waiver of 14-Day Stay to be served through the ECF system, and that copies will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants as of the date herein.

Dated: January 19, 2017

/s/ Michael R. Pacewicz  
Michael R. Pacewicz